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ALFRED KARCHER, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
(FRESNO DIVISION)**

ALFRED KARCHER, INC.,

Plaintiff,

v.

**JONATHAN P. WALLERS, GILBERT
FERNANDEZ, JOHN EVANSKI, JOHN
EVANSKI, INC., dba WESTERN MFG.
CORP., ERASMO MARTINEZ, and
EDUARDO MARTINEZ aka EDUARDO
CHAVEZ,**

Defendants.

Case No. 1:05-CV-00103-OWW-LJO

**ORDER RE
REQUEST FOR DISMISSAL OF
DEFENDANTS ERASMO MARTINEZ
AND EDUARDO MARTINEZ aka
EDUARDO CHAVEZ**

[F.R.C.P. 41(b)]

ORDER

Upon consideration of Plaintiff's Request for Dismissal, and for GOOD CAUSE thereon,
IT IS HEREBY ORDERED THAT:

Defendants Erasmo Martinez and Eduardo Martinez aka Eduardo Chavez are hereby
DISMISSED WITHOUT PREJUDICE.

SO ORDERED this _29th_ day of _June_, 2006

___/s/ OLIVER W. WANGER_____

United States District Court Judge

Alfred Karcher, Inc. v. Jonathan P. Wallers
United States District Court
Eastern District of California
Fresno Division
Docket No. 1:05-CV-00103-OWW-LJO

PROOF OF SERVICE

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is Duane Morris LLP, One Market Plaza, Spear Tower, Suite 2000, San Francisco, California 94105. On the date listed below, I served the following document(s):

REQUEST FOR DISMISSAL OF DEFENDANTS ERASMO MARTINEZ AND EDUARDO MARTINEZ aka EDUARDO CHAVEZ; [PROPOSED] ORDER

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below.

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. According to that practice, items are deposited with the United States mail on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing stated in the affidavit.

Richard Gaxiola, Esq.
Palacios & Associates
8554 Nuevo Ave
Fontana, CA 92335

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, deposited with Federal Express Corporation on the same date set out below in the ordinary course of business; to the person at the address set forth below, I caused to be served a true copy of the attached document(s).

☐ by causing personal delivery of the document(s) listed above to the person at the address set forth below.

☐ by personally delivering the document(s) listed above to the person at the address set forth below.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Dated: June __, 2006

/s/ Lea Chase
Lea Chase